

REMARKS

In the Amendment, claim 1 has been amended to recite a viscosity modifier for thermoplastic polyester resin which consists essentially of (a) 30 to 95 % by weight of a unit derived from an alkyl (meth)acrylate containing an epoxy group, (b) 5 to 70 % by weight of a unit derived from another alkyl (meth)acrylate and (c) 0 to 80 % by weight of a unit derived from another vinyl monomer copolymerizable therewith and comprising at least one of aromatic vinyls and vinyl cyanides. These amendments are supported by the specification, for example, at page 5, lines 2-5, 17-19 and 22-27.

Claim 5 has been added. Claim 5 is supported by the specification, for example, in original claim 1 and Examples 3, 9 and 14.

No new matter has been added and entry of the Amendment is respectfully submitted to be proper. Upon entry of the Amendment, claims 1-5 will be all the claims pending in the application.

I. Response to Rejection Under 35 U.S.C. § 102

Claims 1-4 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mori et al. (U.S. 2002/0091196).

The present claims are novel over Mori et al for at least the following reasons.

Mori et al relates to a polyester resin composition comprising (A) a polyester resin, (B) an ethylene- α -olefin copolymer and (C) an epoxy group-containing ethylene copolymer (see claim 1 of Mori et al). Polyester resin (A) and an ethylene- α -olefin copolymer (B) are

considered to be poorly compatible and therefore cannot be mixed easily. An epoxy group-containing ethylene copolymer (C) is compounded as a compatibilizer in order to improve the compatibility between components (A) and (B). Component (C) comprises a copolymer containing an ethylene unit of from 20 to 99% by weight, an epoxy group-containing monomer unit of from 1 to 30% by weight and an ethylenically unsaturated ester unit of from 0 to 50% by weight (see claim 5). This shows that component (C) has an ethylene unit as a main and essential component so as to acquire compatibility with component (B).

On the other hand, the viscosity modifier for thermoplastic polyester resin of the present invention consists essentially of (a) a unit derived from an alkyl (meth)acrylate containing an epoxy group, (b) a unit derived from another alkyl (meth)acrylate and (c) a unit derived from another vinyl monomer copolymerizable therewith and comprising at least one of aromatic vinyls and vinyl cyanides. The presently claimed viscosity modifier has a composition entirely different from that of component (C) of Mori et al which is an epoxy group-containing ethylene copolymer. Namely, the viscosity modifier of the present invention does not substantially contain an ethylene unit which is poorly compatible with a polyester resin.

Further, the significance of the above-noted difference is demonstrated in the results of comparative testing present in the specification. Specifically, Comparative Example 19 is a viscosity modifier for thermoplastic polyester resin containing 82% by weight of an ethylene unit and 18% by weight of a glycidyl methacrylate, and Comparative Example 20 is a viscosity modifier for thermoplastic polyester resin containing 72% by weight of an ethylene unit, 18% by weight of a glycidyl methacrylate unit and 10% by weight of vinyl acetate unit. These two

compositions correspond to the epoxy group-containing ethylene copolymer (C) of Mori et al. As shown in Table 6 of the present specification, Comparative Examples 19 and 20 are inferior with respect to an anti-draw down effect as compared to the viscosity modifier for thermoplastic polyester resin of the present invention, since they have an ethylene unit as a main component. The amendment to present claim 1, reciting that the viscosity modifier consisting essentially of (a) a unit derived from an alkyl (meth)acrylate containing an epoxy group, (b) a unit derived from another alkyl (meth)acrylate, and (c) a unit derived from another vinyl monomer copolymerizable therewith and comprising at least one of aromatic vinyls and vinyl cyanides, excludes the epoxy group containing ethylene copolymer (C) of Mori et al shown to materially affect the basic and novel characteristics of the present invention. Particularly, the viscosity modifier of the present invention provides the above superior effect by substantially not containing an ethylene unit, such that the present invention is patentable over Mori et al.

In view of the foregoing, Applicants respectfully submit that the amended claims define novel subject matter and thus the rejection should be withdrawn.

II. New Claim

New claim 5 is characterized in that the viscosity modifier for thermoplastic polyester resin contains 40 to 95% by weight of the unit (a). In contrast, the component (C) in Mori et al contains an epoxy group-containing monomer unit of from 1 to 30% by weight. For this additional reason, the viscosity modifier of claim 5 is different from component (C) of Mori et al.

Moreover, as described at page 5, lines 2-9 of the present specification, it is preferable to compound a relatively large amount of component (a) in view of increasing melt viscosity and so as to provide stable processability of the obtained polyester resin composition. Mori et al does not describe or suggest these features of the present invention.

In view of the foregoing, Applicants respectfully submit that claim 5 is also patentable over Mori et al.

III. Conclusion

In view of the above, reconsideration and allowance of claims 1-5 are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,



Fang Liu
Registration No. 51,283

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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